

REMARKS

Claims 1-19 were previously pending in this application. By this amendment, claims 1-5, 8 and 9 are being canceled without prejudice or disclaimer. Claims 6 and 10 are being amended, and claims 20-27 are being added. No new matter has been added.

Claims 1, 8, 9 and 10 were rejected under 35 U.S.C. §112, first paragraph, as failing to comply with the written description requirement. Claims 1, 2, 6, 7, 11, 12, 14, 15 and 17-19 were rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 4,421,014 to Vicker (hereinafter "Vicker"). Claims 13 and 16 were rejected under 35 U.S.C. 103(a) as being unpatentable over Vicker in view of U.S. Patent No. 6,606,938 to Taylor. As agreed to during the telephone interview of July 5, 2006, all the standing rejections are overcome or rendered moot by the amendments and cancellations above.

The courtesies extended by Examiner Cartagena to Applicant's representative, Eric L. Amundsen, during the telephone interviews of June 7, June 8, June 20 and July 5, 2006 are gratefully acknowledged. The 35 U.S.C. §112, first paragraph rejections to claims 1, 8, 9 and 10 were discussed, and agreement was reached that the above amendments overcome the 35 U.S.C. §112, first paragraph rejections. Additionally, U.S. Patent No. 4,421,014 to Vicker (hereinafter "Vicker") and U.S. Patent No. 4,862,537 to Snowball et al. (hereinafter "Snowball") were discussed as described further below.

Claims 1-9 and 11-16

As agreed to during the telephone interview of July 5, 2006, claim 6 has been amended to incorporate the features of claim 8, which was rejected only under 35 U.S.C. §112, first paragraph. As also agreed during the interview, the features of claim 8 have been amended to recite that the liquid supply system is adapted to determine a volume of liquid in the metering chamber based on a sensing of a liquid level in the metering chamber. As also agreed during the interview, the above amendments to the features of claim 8 (now incorporated into claim 6) overcome the 35 U.S.C. §112, first paragraph rejection. Because there are no other rejections of claim 8 and amended claim

6 is effectively claim 8 written in independent form, amended claim 6 is patentable and a notice to this effect is respectfully requested.

Each of claims 7 and 11-19 depend either directly or indirectly from independent claim 6, and these claims are patentable for at least the same reasons provided above for claim 6.

Although Applicant disagrees with the rejection of claim 1 under 35 U.S.C. §112, first paragraph, specifically the contention that there is no support in the application for the metering tank being remote from the storage tank, claim 1 has been canceled without prejudice or disclaimer, rendering the rejection moot. Additionally, the remote feature has been deleted from claim 6 as well because Applicant believes that the remote feature is redundant in view of the recited feature of the metering chamber being physically separate from the storage tank.

Claims 2-5 and 9 have also been canceled without prejudice or disclaimer.

Claim 10

As agreed to during the interview of July 5, 2006, claim 10, which was rejected only under 35 U.S.C. §112, first paragraph, has been rewritten in independent form to incorporate all of the features of previously claim 6 with the exception of the metering chamber being remote from the storage tank. Claim 10 has also been amended to recite that the liquid supply system is adapted to determine a volume of liquid in the metering tank based on a timed cycle. As agreed during the interview, the amendments to claim 10 overcome the rejection under 35 U.S.C. §112, first paragraph. Because there are no other rejections of claim 10, claim 10 is patentable and a notice to this effect is respectfully requested.

New Claims

New dependent claims 20-27 have been added to depend either directly or indirectly from claim 10 which is being rewritten in independent form and is patentable as discussed above. Each of claims 20-27 is believed to be patentable for at least the same reasons provided above for claim 10.

Vicker and Snowball References

During the June 7, 2006 telephone interview, Vicker was discussed relative to claims 8 and 10. It was agreed that Vicker did not teach determining a volume of liquid in a metering chamber based on a sensing of a liquid level or based on a timed cycle.

During the June 8 and June 20 telephone interviews, the Examiner pointed to column 2, lines 22-30 of Snowball as describing a timed dispensing arrangement in a coffee making apparatus. Applicant's representative submitted during the interview and maintains that Snowball does not teach or suggest a liquid supply system being adapted to determine a volume of liquid in a metering tank. Instead, Snowball describes dispensing a prepared beverage to a cup or mug from a tank that holds prepared beverage. The Examiner indicated that a future rejection may be made based on Snowball and/or Vickers, but that no such rejection has yet been made on the record.


CONCLUSION

In view of the foregoing amendments and remarks, this application should now be in condition for allowance. A notice to this effect is respectfully requested. If the Examiner believes, after this amendment, that the application is not in condition for allowance, the Examiner is requested to call the undersigned at the telephone number listed below.

If this response is not considered timely filed and if a request for an extension of time is otherwise absent, any necessary extension of time is hereby requested. If there is a fee occasioned by this response, including an extension fee, that is not covered by an enclosed check, please charge any deficiency to Deposit Account No. 23/2825.

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Respectfully submitted,

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